

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PARAJIT SINGH DHALIWAL,) Case No. 06-211-RSL
Petitioner,)
v.)
KENNETH QUINN,) ORDER GRANTING PETITIONER'S
Respondent.) MOTION TO DISMISS § 2254
PETITION)

This matter comes before the Court on petitioner Paramjit Singh Dhaliwal's "Status Report and Motion to Dismiss," filed October 31, 2007. Dkt. No. 44. Respondent has filed a response indicating no opposition to plaintiff's motion. Dkt. No. 46. After careful consideration of the motion, supporting materials, governing law and the balance of the record, the Court GRANTS petitioner's motion and ORDERS that his habeas corpus petition be DISMISSED with prejudice, for the following reasons:

On February 13, 2006, petitioner filed a 28 U.S.C. § 2254 petition for writ of habeas with this Court. Dkt. No. 1. In March and April 2007, after multiple extensions of the discovery deadline, both parties moved for summary judgment. *See* Dkt. Nos. 31-39. On May 16, 2007, United States Magistrate Judge James P. Donohue determined that, as a result of additional discovery ordered, the record contained substantial information that was not before the Washington Supreme Court or Court of Appeals. Accordingly, the Court concluded that

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01 petitioner had presented a mixed petition and ordered petitioner to select the method of
02 proceeding in this case. Upon the election of the petitioner, and good cause having been
03 shown, the Court directed that petitioner's case be stayed and his § 2254 petition held in
04 abeyance, enabling petitioner to make every effort to pursue his unexhausted claims in state
05 court. Dkt. No. 42.

06 Since that time, the parties have engaged in comprehensive settlement discussions and,
07 pursuant to CrR 7.8(b), have agreed that the King County Superior Court should vacate the
08 original Judgment and Sentence of March 30, 2001. This agreement was contingent upon
09 petitioner's agreement to enter a plea of guilty to an amended information charging one count
10 of second-degree murder, and with the parties making a joint recommendation that petitioner
11 should be sentenced to 123 months in custody, with credit for time served.

12 On October 31, 2007, petitioner returned to King County Superior Court, where the
13 Honorable William Downing accepted the parties' agreed resolution and took four specific
14 actions. First, the court entered an Order vacating the original Judgment and Sentence of
15 March 30, 2001. Second, the court granted the prosecution's motion to file a Fourth
16 Amended Information charging one count of murder in the second degree (without any firearm
17 allegation). Third, the court accepted petitioner's *Alford* plea of guilty to the charge in the
18 Fourth Amended Information. Fourth and finally, the court entered a new Judgment and
19 Sentence which sentenced petitioner to 123 months (with credit for time served).

20 (1) The parties' agreed resolution, along with the actions taken by the King County
21 Superior Court, resolves all pending matters in this case. Accordingly, no further proceedings
22 are necessary regarding Case No. 06-211-RSL. Petitioner's § 2254 petition is DISMISSED
23 with prejudice, and the Clerk of Court is directed to CLOSE this case.

24 (2) The Clerk of Court is further directed to send a copy of this Order to the parties
25 and to the Honorable James P. Donohue.

01
02 DATED this 6th day of November, 2007.
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Robert S. Lasnik

Robert S. Lasnik
United States District Judge

09 Recommended for entry this
10 6th day of November, 2007.
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s/ JAMES P. DONOHUE
13 United States Magistrate Judge
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